FARAD CONTINUATION SHEET NO:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.1449 OF 2006
IN
SECOND APPEAL NO.887 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Ashok Tajme for Mr.G.S.Godbole for the applicants.
Mr.Amit Shete for respondent no.1.

CORAM: D.B.BHOSALE, J.
DATED: 3RD OCTOBER, 2007

P.C.:

. Heard learned counsel for the parties.

2. By this civil application, the applicants are seeking stay of impugned decree dated 27.6.2006 passed in Civil Appeal No.31 of 2004 by which the first appellate court has allowed the appeal and decreed the suit instituted by the respondents-plaintiffs for injunction. According to the respondents-plaintiffs, the appellants are purchasers of undivided joint family property. It appears that the appellants started disturbing possession of the plaintiffs hence they filed the suit for permanent injunction. During pendency of th suit from 1992 to 2003

ad-interim injunction granted by the trial Court was running in favour the plaintiffs. This court is informed that the first appellate court had granted the order of status quo pending hearing and final disposal of the appeal. The first appellate court allowed the appeal and decreed the suit for injunction on 27.6.2006 and since then till this date the injunction is running against the appellants. Keeping that in view and considering the overall facts and circumstances of the case stay of impugned judgments, as prayed, cannot be granted and hence this application is rejected. Civil application is disposed of.

(D.B.BHOSALE, J.)